

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
)
v.) Case No. CR-09-146-D
)
)
MELVIN BROWN CHILDS III,)
)
)
Defendant.)

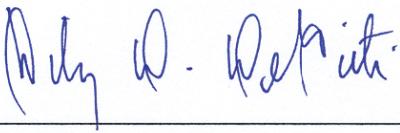
ORDER

Defendant moves for leave to file out of time responses to the government's Motion for Sanctions and Motion to Strike. The government objects and moves to strike Defendant's motion on the grounds he did not inquire as to whether it objected to his request, in violation of LCvR 7.1(h) [Doc. No. 70]. Although the Court is mindful of the government's objection, the Court ultimately retains the discretion to deny or grant the requested relief. *Rachel v. Troutt*, 820 F.3d 390, 394 (10th Cir. 2016). Weighing the considerations at issue, the Court finds that, under the circumstances presented, although Defendant's motion does not comply with the local rules, the government would not be unfairly prejudiced if Defendant were permitted to file his responses out of time.

Accordingly, Defendant's Motion for Leave to File Out of Time [Doc. No. 69] is **GRANTED**. Plaintiff's Motion to Strike Defendant's Motion for Leave to File Out of Time [Doc. No. 70] is **DENIED**. Defendant shall file his responses to

Plaintiff's Motion for Sanctions and Motion to Strike within **fourteen (14) days** of this Order. Defendant is reminded that he must follow the Federal and Local Court Rules governing practice before this Court, and the Court again directs Defendant to familiarize himself with those rules of practice and procedure. Defendant is further advised that future failure to comply with said rules may result in the imposition of sanctions, including but not limited to, the striking of his filings.

IT IS SO ORDERED this 25th day of August 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE